

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
July 26, 2023**

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

**Members Absent:** None

**Staff Members Present:** Donna Main

**Members of the Public in Attendance:**

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**Call to Order:** Chairman Buckley called the meeting to order at 6:00 p.m.

**Public Hearing (continued) – Special Permit ZBA 22-07 – Mark Klinger/651 Main Street LLC, 651 Main Street**

Applicant seeks a Special Permit for work in the Water Resources Protection Overlay District (WRPOD).

Mr. Parliment recused himself and left the meeting room.

Michael Malinowski, P.E., on the project on behalf of the Applicant. Mr. Malinowski said the stormwater analysis was reviewed by Quinn Engineering and the comment letter said the project meets the criteria for a special permit. The plans were revised so there is a large reduction in overall project in watershed area and now 14.69% impervious so under the 15% but the project exceeds 2,500 s.f. of impervious which is why they need a special permit. Mr. Malinowski said the site plan was approved by the Planning Board.

Mr. Reinke asked how much over the 2,500 s.f. and Mr. Malinowski said they are well over the 2,500 s.f. Mr. Reinke asked the difference between roof and road impervious. Mr. Malinowski said it's broken down in the stormwater report (page 4) for just what's in the watershed and not the entire project. Mr. Reinke asked Mr. Malinowski to describe the stormwater management system. Mr. Malinowski said it's a closed system and water is treated before it is discharged. Mr. Malinowski said the hydro-dynamic system can separate oil, gas, and floating items and can pull out sediment which can be cleaned out. There is also a maintenance plan with quarterly inspections and visual inspections and sediments can be cleaned out. Mr. Reinke asked if chambers for floatables are big enough. Mr. Malinowski said there is an overflow and it's standard for this type of system and that the entire project has stormwater systems that treat the same way. Mr. Malinowski said roof water in residential developments, by MA State Standards, is deemed clean and no pre-treatment is required.

Mr. Johnston asked if the project includes pervious pavement and Mr. Malinowski said no. Mr. Johnston said there was some discussion about using it in the driveways. Mr. Malinowski said it is asphalt. Mr. Malinowski said the most recent revised plan is dated December 2, 2022. Mr. Buckley asked where contaminated water goes. Mr. Malinowski said right now it sheet flows to one corner but with the stormwater management system it will be pre-treated and directed to basins. Mr. Buckley said the runoff was not greater than before development and Mr. Malinowski said that is correct.

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Mr. Reinke asked if the system meets or exceeds the standards. Mr. Malinowski said it meets the standards. Mr. Buckley said they have a letter from the Town Engineer saying it's compliant.

Mr. Buckley asked if there were other comments. Mr. Brian Faulk, Attorney representing the Applicant said he reviewed the application and special permit criteria and the plan meets the criteria for a Special Permit in the WRPOD.

Mr. Johnston wants to clear up concerns he has with the pervious pavement. He said a letter from Quinn Engineering dated January 20, 2023 that states that the site proposed pervious pavement and asked if that has changed. Mr. Malinowski said there was talk about reducing coverage using pervious pavement but it went by the wayside when they reduced the number of houses in the watershed district.

**Motion** by Mr. Reinke to approve the Special Permit for 651 Main Street, ZBA 22-07 for work in the WRPOD with the condition that inspection and maintenance logs be submitted to the Planning Board or authority with jurisdiction for review on a quarterly basis as soon as feasible.

**Second:** Mr. Hathaway seconds with addition to call out the most recent plan.

**Motion** by Mr. Reinke to amend his motion to include the plan revised dated December 2, 2022.

**Second:** Mr. Hathaway

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0</b>	

**Motion** by Mr. Reinke to close the public hearing.

**Second:** Mr. Hathaway.

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0</b>	

6:24 pm Mr. Parliment rejoined the meeting.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Five (5) in Favor. None (0) Opposed</b> <b>Approved 5 to 0</b>	

**Motion** by Mr. Buckley to close the public hearing.

**Second:** Mr. Reinke

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Five (5) in Favor. None (0) Opposed</b> <b>Approved 5 to 0</b>	

6:48 pm Mr. Parliment left the meeting room.

**Public Hearing – Special Permit ZBA 23-09 – 200 Main Street, Signorama Worcester for Valley Mart**

Applicant seeks a Special Permit for additional signage.

Chairman Buckley opened the public hearing at 6:48 pm. Mr. Reinke (Acting Clerk) read the public hearing notice into the record.

Mr. Mike Wood, owner of Signarama Worcester, was hired to install Mart Service sign on the peak of the canopy of the gas station. The company was told they had a permit and installed the sign and then got a letter stating they needed a variance, so he submitted an application. The “Valley” portion of the sign was permitted and one through another company and they were hired to add the “Mart Service”. Mr. Wood said the sign is not backlit. Mr. Reinke asked what aggregate total of signage. Mr. Wood said he does not have the overall square footage of the signage on the property. Mr. Wood said the “Inspections” sign is required by the state. Mr. Buckley said there is an existing sign with an existing canopy that says “Valley Mart and Service” so this permit is asking for the additional sign and the free-standing sign is not the issue and the Building Inspector said in the letter that they can’t have more than one sign. Mr. Wood said the name of the business is Valley Mart Service but they could only afford to do “Valley” and then added the Mart Service so the Board is considering it to be two signs but it’s really one sign and asked how they combine them. Mr. Hathaway said he thinks the Building Inspector was referring to the canopy sign and the separate free-standing sign as two signs.

Mr. Buckley doesn't interpret the canopy as being another sign as it would exist even if there was no lettering. Mr. Buckley said the purpose and intent of the bylaw is not to have multiple free-standing signs. Mr. Buckley sees Valley Mart Service as one sign. Mr. Hathaway said if the canopy is included as a sign with the other sign, it's more than 50 s.f. Mr. Wood said canopies on a gas station are a gray area and up to interpretation. Mr. Wood said it was denied because Valley was already permitted, and he probably should have just filed a permit for Valley Mart Service but Valley was already there. Mr. Buckley said he is thinking a special permit for a sign is if there is an addition to a sign making it more than 50 s.f. and that a second sign is a variance and not a special permit.

Mr. Hathaway said the bylaw talks about wall signs and theoretically you could consider writing on canopy as a wall sign like an awning and maybe this should be considered as more of a wall sign and therefore it's constrained to 15% of the building. Mr. Hathaway does not think Service Mart can be separated from Valley. Mr. Johnston said there is signage on two sides of the canopy. Mr. Reinke said the Zoning Enforcement Officer felt he had to do this so that Mr. Wood would have the conversation and now the Board is deliberating the semantics of what this is or isn't so they can feel comfortable. The end is that the Board can go up to 50 s.f and what is being applied for is 46.17 s.f. but they are discussing the overall picture. Mr. Buckley said this is not a second sign, but the Zoning Enforcement Officer (ZEO) is no longer with the Town to answer questions. Mr. Wood applied for a special permit as per the ZEO's letter to Valley Mart. Mr. Buckley doesn't feel a special permit is needed because it's not a second sign. Mr. Hathaway said to Mr. Buckley's point, there was another project where a sign was added and the canopy never came up. Mr. Johnston said they approved the sign for Walmart and their canopy never came up. Mr. Johnston suggested they say the bylaw was never intended to regulate canopies. Mr. Buckley said a special permit is not required. Mr. Hathaway suggested they talk to the acting building inspector about changing the regulations for canopies. Mr. Reinke suggested going to Town Counsel instead of the ZEO to see if they think a special permit is necessary. Mr. Buckley said the other option is to just grant the special permit as per the ZEO letter. Mr. Hathaway said for the record if he would approve it, they would be ignoring the bylaws as they don't meet the criteria for granting the special permit. Mr. Johnston said it's easy for the Board to say the Special Permit is not required. Mr. Hathaway is more comfortable saying the Board does not feel they need a special permit. Mr. Buckley concurred.

There were no other comments.

**Motion** by Mr. Hathaway that in the opinion of the Zoning Board a Special Permit is not required for this petition.

**Second:** Mr. Reinke

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

**Motion** by Mr. Reinke to close the public hearing.

**Second:** Mr. Hathaway

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b> <b>Approved 4 to 0</b>	

**Discussion**

- Mr. Reinke said Town needs a new Town Planner. Town Administrator invited Mr. Campbell (PB) and Mr. Reinke (PB/ZBA) to attend an informational meeting to review some resumes. The concern is that the Town will end up in the same situation they are in now which is that there is not a lot of longevity in municipal government and the new person may leave in 6 months. Two resumes had all of the credentials but short work periods. Discussion about Dept of Inspectional Services and Town Planner be separate positions and maybe hire someone as Town Planner that they can mold. Mr. Reinke would prefer to hire someone with Town Planner credentials but wants to interview all three applicants. Mr. Reinke feels a qualified Town Planner is necessary. Mr. Hathaway agrees with having a Building Inspector and Town Planner as separate positions. Ms. Main is also in favor of hiring a qualified Town Planner instead of training someone. Mr. Buckley said what Mr. Reinke is saying is consistent with the letter the ZBA sent. Mr. Reinke would like to see Planning, Zoning and Conservation together to discuss. Mr. Buckley said the previous Town Planners have not historically attended ZBA meetings and had little involvement.

**Motion** by Mr. Reinke to set up a tri-board meeting between ZBA, Conservation, Planning Board to discuss the Town Planner position.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b> <b>Approved 4 to 0</b>	

**Motion** by Mr. Hathaway to re-organize the board with the same memberships: Mr. Buckley – Chair, Mr. Reinke – Vice Chair, Mr. Parliment – Clerk

**Second:** Mr. Reinke

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b> <b>Approved 4 to 0</b>	

**Motion** by Mr. Reinke to adjourn.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

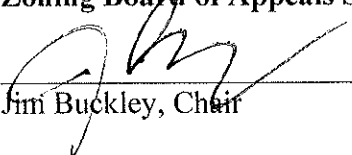
Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b> <b>Approved 4 to 0</b>	

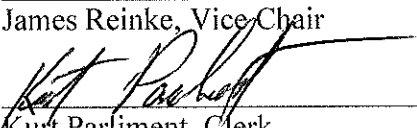
Meeting adjourned at 7:35 p.m.

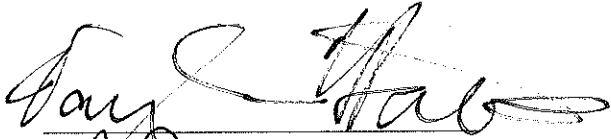
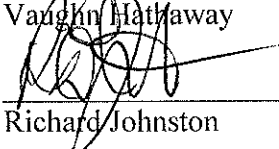
Respectfully Submitted by:  
Lisa Westwell, Administrative Assistant  
to the Planning Department

**Date Approved:** 12/27/23

**Zoning Board of Appeals Signatures**

  
\_\_\_\_\_  
Jim Buckley, Chair

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James Reinke, Vice Chair  
  
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Kurt Parliment, Clerk

  
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Vaughn Hathaway  
  
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Richard Johnston